

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Charter Communications, Inc.)	Complaint Nos. 11-S3061559
)	11-S003132
Complaints Regarding)	
Unauthorized Change of)	
Subscriber's Telecommunications Carrier)	

ORDER ON RECONSIDERATION

Adopted: June 3, 2019**Released: June 3, 2019**

By the Deputy Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION AND BACKGROUND

1. In this Order on Reconsideration, we address two petitions (collectively, Petitions) filed by Charter Communications, Inc. (Charter) asking us to reconsider two Consumer Policy Division (Division) orders finding that Charter changed consumers' telecommunications service providers without proper authorization verified in accordance with the Commission's slamming rules.¹ On reconsideration, we grant Charter's Petitions and dismiss the complaints.²

2. Section 258 of the Communications Act of 1934, as amended (the Act), prohibits the practice of "slamming," the submission or execution of an unauthorized change in a subscriber's selection of a provider of telephone exchange service or telephone toll service.³ The Commission's implementing rules require, among other things, that a carrier receive individual subscriber consent and follow specific verification procedures before a carrier change may occur.⁴ Specifically, a carrier must: (1) obtain the subscriber's written or electronically signed authorization in a format that satisfies our rules; (2) obtain confirmation from the subscriber via a toll-free number provided exclusively for the purpose of confirming orders electronically; or (3) utilize an appropriately qualified independent third party to verify the order.⁵ If the carrier uses an independent third party to verify the subscriber's consent, the rules require, among other things, that the verifier elicit confirmation that "the person on the [verification] call is authorized to make the carrier change."⁶

¹ See Petition for Reconsideration, Charter Communications (filed July 27, 2012) (Petition 1); Petition for Reconsideration, Charter Communications (filed July 27, 2012) (Petition 2). The Petitions seek reconsideration of the Division orders addressing the complaints referenced in the above-captioned proceedings. Each of Charter's Petitions makes the same argument regarding the Division's findings, and therefore we address both Petitions together in this Order.

² See 47 CFR §§ 64.1100-64.1190.

³ 47 U.S.C. § 258(a).

⁴ See 47 CFR § 64.1120.

⁵ See *id.* § 64.1120(c). Section 64.1130 of the Commission's rules details the requirements for letter of agency form and content for written or electronically signed authorizations. *Id.* § 64.1130.

⁶ *Id.* § 64.1120(c)(3)(iii).

3. Two consumers filed slamming complaints against Charter.⁷ Pursuant to sections 1.719 and 64.1150 of the Commission's rules, the Division notified Charter of the complaints.⁸ The Division reviewed Charter's responses to the complaints and determined that Charter's actions violated the Commission's slamming rules.⁹ Charter seeks reconsideration of the *Division Orders*.

II. DISCUSSION

4. Based on the record before us, we reverse the *Division Orders* and grant Charter's Petitions. In both Petitions, Charter correctly observes that it is a provider of interconnected Voice over Internet Protocol (VoIP) services and is therefore not subject to the Commission's slamming rules.¹⁰ In its earlier responses to the consumer complaints, Charter did not notify the Division that the service involved in each case was VoIP. Therefore, the Division relied on the information in the record at the time and determined that Charter's actions resulted in unauthorized carrier changes.

5. Because we find that Charter's service at issue was a VoIP service and thus was not subject to our slamming rules, we grant Charter's Petitions.

III. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that, pursuant to section 258 of the Communications Act of 1934, as amended, 47 U.S.C. § 258, sections 1.106 and 1.719 of the Commission's rules, 47 CFR §§ 1.106, 1.719, and authority delegated by sections 0.141 and 0.361 of the Commission's rules, 47 CFR §§ 0.141, 0.361, the two Petitions for Reconsideration filed by Charter Communications, Inc., on July 27, 2012, ARE GRANTED.

7. IT IS FURTHER ORDERED that this Order is EFFECTIVE UPON RELEASE.

FEDERAL COMMUNICATIONS COMMISSION

Mark A. Stone
Deputy Chief
Consumer and Governmental Affairs Bureau

⁷ See Informal Complaint Nos. 11-S3061559 (filed Apr. 4, 2011); 11-S003132 (filed Apr. 8, 2011).

⁸ See 47 CFR § 1.719 (Commission procedure for informal complaints filed pursuant to section 258 of the Act); *id.* § 64.1150 (procedures for resolution of unauthorized changes in preferred carrier).

⁹ See *Charter Communications, Complaint Regarding Unauthorized Change of Subscriber's Telecommunications Carrier*, Order, 27 FCC Rcd 7265 (CGB 2012); *Charter Communications, Complaint Regarding Unauthorized Change of Subscriber's Telecommunications Carrier*, Order, 27 FCC Rcd 7300 (CGB 2012) (collectively, *Division Orders*).

¹⁰ See, e.g., Petition 1 at 1. Charter notes that the Consumer and Governmental Affairs Bureau had previously confirmed that VoIP service is not covered by the Commission's carrier change rules. See Petition 1 at 4 (citing *Charter Communications, Complaint Regarding Unauthorized Change of Subscriber's Telecommunications Carrier*, Order on Reconsideration, 26 FCC Rcd 14206 (CGB 2011)). Section 64.1120 of our rules requires that any "telecommunications carrier" must adhere to authorization and verification procedures prescribed by the Commission when submitting and executing carrier changes. 47 CFR § 64.1120. We note that the Commission has sought comment on whether to extend slamming regulations to VoIP or other IP-enabled service providers. See *IP-Enabled Services*, Notice of Proposed Rulemaking, 19 FCC Rcd 4863, 4910-11, para. 72 (2004).